

UNITED STATES DISTRICT COURT

for the  
Western District of New York

United States of America )

v. )

ROBERT JONES )

Case No. 11-M-

*Defendant*



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/08/2010 in the county of Erie in the Western District of New York, the defendant violated 42 U. S. C. § 408(a)(7)(B), an offense described as follows:

falsely representing, with intent to deceive, a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, for the purpose of obtaining anything of value from any person and for any other purpose; and with violating Title 18, United States Code, Section 1028A by knowingly using, without lawful authority, a means of identification of another person during and in relation to a felony violation of 42 U.S.C. § 408.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

  
*Complainant's signature*

Cindy C. Buckley, SA CGIS  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 01/19/2011

  
*Judge's signature*

City and state: Buffalo, New York

H. Kenneth Schroeder, Jr., Magistrate Judge  
*Printed name and title*

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK     )  
COUNTY OF ERIE        )   ss:  
CITY OF BUFFALO        )

CINDY BUCKLEY, being duly sworn, deposes and states:

1. I am a Special Agent with the Department of Homeland Security, Coast Guard Investigative Service (hereinafter referred to as "CGIS"), assigned to Resident Agent Office, Buffalo, New York. I have been employed by the Department of Homeland Security for nine years. During this time, I have investigated numerous cases of identity theft resulting in successful prosecution.

2. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. My duties as a Special Agent with CGIS include, among others, the investigation of fraud and related activity in connection with identification documents, authentication features, and information in violation of Title 18 United States Code, Section 1028; aggravated identity theft in violation of Title 18, United States Code,

Section 1028A; and misuse of a social security number in violation of Title 42, United States Code, Section 408.

3. I am currently participating in a joint investigation with the Orchard Park Police Department and the U.S. Postal Inspection Service. The investigation is focused on an individual that is using the identities and Social Security numbers of other persons.

4. I make this affidavit in support of a criminal complaint charging ROBERT JONES, a/k/a DOCTOR JONES, a/k/a ROBERT JONES ESQ., a/k/a DANIEL ENGLISH, a/k/a DAN ENGLISH, a/k/a RENEE MCKEOWN, (hereinafter referred to as "JONES"), with, from approximately February of 2010 through January of 2011 in the Western District of New York and elsewhere, violating Title 42, United States Code, Section 408(a)(7)(B) by falsely representing, with intent to deceive, a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, for the purpose of obtaining anything of value from any person and for any other purpose; and with violating Title 18, United States Code, Section 1028A by knowingly using,

without lawful authority, a means of identification of another person during and in relation to a felony violation of 42 U.S.C. § 408.

5. The information contained within this affidavit is based on my investigation and on information either personally known to me or provided to me by other law enforcement officers in my official capacity. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. The information that I have set forth herein I believe to be reliable based upon the investigation to date. Further, I have set forth only the facts that I believe are necessary to establish probable cause to believe that JONES violated Title 42, United States Code, Section 408(a)(7)(B) and Title 18, United States Code, Section 1028A.

6. This investigation has developed evidence and information that the defendant, JONES, used names, dates of birth, and social security numbers of several individuals to defraud various entities, including Western New York automobile dealerships, Time Warner Cable, NYSEG, and National Fuel. In one case, JONES posed as the husband of one of the victims, and

in other cases he used his own name, or variations of his name, in combination with other persons' social security numbers. JONES also used the name, date of birth, and social security number, along with a fictitious social security card of one individual, which will be described in more detail below.

7. On December 21, 2010, Time Warner Cable Fraud Investigator Richard Smith personally visited 270 Lawrence Woods, Orchard Park, New York due to non-payment of services and spoke to JONES, who identified himself as a lawyer. JONES produced his New York State driver's license with date of birth January 10, 19XX and his Social Security card with number XXX-XX-8427, for Investigator Smith.

8. On January 3, 2011, Fraud Investigator Smith discovered that on February 8, 2010, Robert Jones attempted to open account number 1339006-03 using social security number 125-XX-9487 but was unsuccessful. JONES subsequently did obtain Time Warner Cable service in the name of Renee McKeown under account number 1339006-04 using social security number 071-XX-9487. This account was active from February 17, 2010 until October 26, 2010. A Time Warner Cable audio recording captured a man identifying himself as ROBERT JONES stating, on August 23, 2010,

that Renee McKeown was his wife and he was Doctor JONES. On October 20, 2010, another Time Warner Cable audio recording captured JONES stating that he was a doctor and he worked at Sister's Hospital. This account, #1339006-04, currently has a debt of \$889.58. Another Time Warner Cable audio recording indicated that on November 1, 2010, JONES attempted to open account number 1339006-05 by providing social security number XXX-XX-1381.

9. On January 12, 2011, I conducted commercial database checks on the social security numbers used by JONES to obtain Time Warner Cable service. Social Security number XXX-XX-1381 belongs to Susan L. Peterson who resides in Ballston Spa, NY. Social Security number 125-XX-9487 belonged to a deceased individual named William J. Nelson who resided in Ft. Lauderdale, Florida. And social security number 071-XX-9487 belongs to Renee McKeown who resides in Cheektowaga, NY.

10. As part of this investigation, I learned from Bradley Parker, Special Agent, Social Security Administration, that Social Security number 071-xx-9487 was issued to Renee McKeown on January 5, 1984; Social Security number xxx-xx-1381 was issued to Susan L. Peterson on February 5, 1985; and Social

Security number 125-xx-9487 was issued to William J. Nelson on February 11, 1985.

11. On January 3, 2011, Renee McKeown provided Fraud Investigator Smith with a sworn, written statement, attesting to the fact that she did not give JONES permission to open a Time Warner Cable account in her name. Moreover, McKeown is not JONES'S wife; McKeown was JONES'S former girlfriend, and she has not resided at 270 Lawrence Woods, Orchard Park, New York since January of 2010.

12. On January 11, 2011, Orchard Park Police Detective John Payne interviewed Susan L. Peterson. During the interview, Peterson confirmed that her Social Security number was XXX-XX-1381. Peterson said that she has never been to Buffalo, NY and that she never authorized anyone to use her name or social security number.

13. On January 14, 2011, U.S. Postal Inspector Clint Homer, Orchard Park Police Detective John Payne, and I conducted a trash cover of 270 Lawrence Woods, Orchard Park, NY. A National Fuel Gas bill for the period ending December 20, 2010, in the name of Renee N. McKeown, 270 Lawrence Woods, Orchard Park, NY,

showed a balance of \$318.17. A letter from Mercantile Debt Collector, attempting to collect \$446.65 on behalf of New York State Electric and Gas was addressed to Renee N. McKeown, 270 Lawrence Woods, Orchard Park, NY, dated December 22, 2010. Several credit declination letters were found including four letters from Ally Financial, two dated December 17 and two dated December 26, 2010. These letters described attempts to obtain the sale or lease of an automobile from Cortese Dodge Inc., 2400 West Henrietta Road, Rochester, NY, in the name of Enjon Development, 270 Lawrence Woods, Orchard Park, NY. The co-applicant was listed as Daniel J. English.

14. On January 14, 2011, based on the letters discovered in the trash from 270 Lawrence Woods, Orchard Park, NY, I spoke to Daniel O'Brien, Director of Finance from Cortese Auto Group, 2400 West Henrietta Road, Rochester, NY. O'Brien advised that on December 2, 2010, an individual telephoned Cortese Dodge and stated his name was "Dan English" and he wanted to lease a 2011 Jeep Grand Cherokee in his company name, Enjon Development. "English" was willing to pay more for the vehicle than he would at a Buffalo area dealership and refused to come to Cortese Dodge in person, requesting the vehicle be delivered. On December 4, 2010, in an attempt to obtain financing for the



vehicle, "English" faxed documents to the dealership attempting to confirm that he was part owner of Enjon Development. O'Brien provided me with the following faxed documents, which were stamped with the words "ENJON Development" and the telephone number "716-508-8686":

a. GMAC Financial Services Application for credit with the applicant name listed as Enjon Development, 270 Lawrence Woods, Orchard Park, NY, (716) 662-1100. The co-applicant was listed as Daniel J. English, date of birth February 2, 19XX, social security number XXX-XX-8040, 270 Lawrence Woods, Orchard Park, NY.

b. Verizon Wireless bill dated November 22, 2010, account number 686329889-00001, in the name of Enjon Development, 270 Lawrence Woods, Orchard Park, NY, showing a balance of \$719.92, for the period beginning October 23, 2010 and ending November 22, 2010.

c. Membership Certificate for Enjon Development LLC, certifying Daniel English owns thirty percent of Enjon Development.

- d. Certified Copy of Resolution of Board of Directors, indicating that Dan English is the [Assistant] Secretary of Enjon Development as adopted by the Board of Directors on December 7, 2007. This document is signed and dated December 4, 2010.
- e. New York State Driver's License in the name of Daniel J. English, with identification number 540 984 026, and date of birth February 2, 19XX.
- f. A card with the words "U.S. SOCIAL SECURITY" on the top with the number XXX-XX-8040 written on the face of the card by hand, with a signature of the name "Daniel J. English."
- g. A registration card and window sticker for vehicle identification number, WDCGG8HB9AF508303, in the name Enjon Development LLC, 270 Lawrence Woods, Orchard Park, NY 14127.
- h. Temporary automobile identification cards for vehicle identification number 1J4RR4GG1BC582032, from State Farm Insurance for a 2011 Jeep Grand Cherokee Laredo,

policy number 52-1828-C41, in the name of Enjon Development LLC, 270 Lawrence Woods, Orchard Park, NY 14127.

- i. State of Delaware Certificate of Formation, dated December 3, 2007, showing Enjon Development LLC registered at 1521 Concord Pike, #202, Wilmington, DE 19803.

O'Brien advised me that after speaking with "Dan English" several times and receiving the fax, he became suspicious that the application was fraudulent. Using on-line resources to run the identifying information provided for "Dan English" in the GMAC credit application, Daniel English, date of birth February 2, 19XX, Orchard Park, NY, was contacted by Cortese personnel and he said that he was unaware of a car being purchased in his name.

15. Daniel English, date of birth February 2, 19XX, had previously been interviewed on January 5, 2011, by Orchard Park Detective Payne, based on the same information, independently obtained from Cortese Dodge. Daniel English said he met ROBERT JONES at Duff's Restaurant in Orchard Park, NY, where JONES

identified himself as an attorney. Believing JONES was an attorney, English asked JONES if he would change the name on the deed of his deceased mother's home to his own. JONES asked English for the deed and his driver's license, and English provided the deed and his license to JONES. English said he did not give JONES permission to use his name, date of birth, or social security number for any reason other than to perform the legal service of changing the name on the deed.

16. On January 16, 2011, I discovered that the telephone number (716) 508-8686, stamped on the fax sent to Cortese Dodge, was assigned to R. McKeown, 270 Lawrence Woods, Orchard Park, NY. I further learned from a review of taped Time Warner Cable and National Fuel customer service telephone calls that this telephone number was provided by JONES during conversations with customer service. Detective John Payne, Orchard Park Police Department spoke to Robert JONES in person at the Orchard Park Police Department on January 7, 2011 and advised me that he recognized the voice in the National Fuel and Time Warner Cable recordings to be that of JONES.

17. An additional confidential witness, who was in the residence of JONES on January 3, 2011, photographed a document

located on his fax machine using a cellular telephone. The document, Form I-9, Employment Eligibility Verification, was filled out with the name of Daniel English, date of birth of February 2, 19XX, and his social security number XXX-XX-8040. The residence information was filled in on the form as 270 Lawrence Woods, Orchard Park, NY, the residence of JONES. The employer information listed Enjon Development, 270 Lawrence Woods, Orchard Park, NY.

18. As part of this investigation, I confirmed with Bradley Parker, Special Agent, Social Security Administration, that Social Security number XXX-XXX-8040 was issued to Daniel English in July of 1965.

19. Criminal history checks for JONES show that he was arrested by the Cheektowaga Police Department on December 9, 2010 for Identity Theft in connection with the use of Renee McKeown's name and social security number, which was used by JONES to obtain service from New York State Electric and Gas.

20. To date, the investigation has revealed that ROBERT JONES has reported his mailing address to be 270 Lawrence Woods, Orchard Park, NY 14127. JONES has used the names, dates of

birth, and social security numbers of his victims, operating from his residence at 270 Lawrence Woods, Orchard Park, NY to obtain or attempt to obtain various goods and services.

21. Based upon the foregoing, I respectfully submit that there is probable cause to believe that ROBERT JONES, from approximately February of 2010 through January of 2011 in the Western District of New York and elsewhere, violated Title 42, United States Code, Section 408(a)(7)(B) by falsely representing, with intent to deceive, a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, for the purpose of obtaining anything of value from any person and for any other purpose; and violated Title 18, United States Code, Section 1028A by knowingly using, without lawful authority, a means of identification of another

person during and in relation to a felony violation of 42 U.S.C.  
§ 408.

  
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CINDY C. BUCKLEY  
Special Agent  
Coast Guard Investigative Service

Sworn and subscribed to before  
me this 19th day of January 2011.

  
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H. KENNETH SCHROEDER, JR.  
United States Magistrate Judge